

**REMARKS**

Claims 1 to 34 are now pending.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

With respect to paragraph three (3) of the Office Action, claims 19 to 21 were rejected under 35 U.S.C. § 101 as assertedly being directed to non-statutory subject matter. Claims 19 to 21 have been rewritten herein without prejudice to obviate the present rejections. In this regard, claims 19 to 21 have been rewritten to recite a “computer-readable medium” having stored thereon a computer program. Approval and entry are respectfully requested.

Withdrawal of the rejections of claims 19 to 21 under 35 U.S.C. § 101 is therefore respectfully requested.

With respect to paragraph four (4) of the Office Action, claims 1 to 34 were rejected under 35 U.S.C. § 112, ¶ 2, as indefinite. While Applicants do not necessarily agree with the present rejections, claims 1, 15, 17, 18, and 19 have been rewritten herein without prejudice to obviate the present rejections. In this regard, claims 1, 15, 17, 18, and 19 have been rewritten to recite “synchronizing . . . as a function of corresponding correction values.” Claim 18 has been further rewritten to recite a “memory medium.” Approval and entry are respectfully requested.

Withdrawal of the present indefiniteness rejections of claims 1 to 34 is therefore respectfully requested.

With respect to paragraph five (5) of the Office Action, claims 1, 3, 4, 6, 9, 11 to 15, 17 to 19, 22, 23, 25, 28, and 30 to 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,535,926 (the “Esker” reference) in view of U.S. Patent Application Publication No. 2002/0129291 (the “Gonzalez” reference).

As regards the obviousness rejections of the claims, to reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there

must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Each of claims 1, and 17 to 19 recites “at least one of the at least two stations: receiving from a source external to the bus system a time signal of the external reference time; based on a content of the time signal, determining a correction target value between the received time signal and the common global time base; and sending the correction target value to other ones of the at least two stations of the distributed bus system.” Claim 15 recites “a receiving arrangement to receive from a source external to the bus system a time signal of the external reference time at at least one of the at least two stations, a correction target value determining arrangement to determine based on a content of the time signal, in the at least one of the at least two stations, a correction target value between the received time signal and the common global time base, a sending arrangement to send the correction target value to other ones of the at least two stations of the distributed bus system.”

The Office Action refers to the master industrial controller 12a of the “Esker” reference as assertedly disclosing the recited “at least one of the at least two stations.” The Office Action admits that the “Esker” reference “does not teach of determining the correction value in the station receiving the external reference time.” Office Action, paragraph eight (8). Indeed, nowhere does the “Esker” reference disclose that the master industrial controller 12a receives an external reference time. Instead, the master industrial controller 12a periodically takes a snapshot of its local clock and transmits it to other industrial controllers so that they may modify their clocks based on differences between their clocks and the master controller’s clock. The Office Action asserts that it would have been obvious to modify the “Esker” reference in view of the “Gonzalez” reference so that the master industrial controller 12a receives an external reference time, allowing the master industrial controller 12a to correct its clock. Even assuming for argument’s sake that it would have been obvious to so modify the “Esker” reference (which Applicants do not concede), the master industrial controller 12a of the thusly modified system of the “Esker” reference would not receive an external clock reference, determine a correction value between the external clock reference and another time, e.g., its local time, modify its local time, and then transmit the correction value. Instead, the controller 12a would modify its local time based on the received external reference time, and then transmit its local time to the other industrial controllers.

Thus, even if the “Esker” reference is modified to include features of the “Gonzalez” reference, the resulting system does not disclose or suggest determining at a station a correction target value between a received time signal of an external reference time and a time base, and transmitting the correction target value to other stations. Accordingly, even if the “Esker” reference is modified to include features of the “Gonzalez” reference, the resulting system does not disclose or suggest all of the features recited in any of claims 1, 15, and 17 to 19.

Thus, the combination of the “Esker” reference and the “Gonzalez” reference does not disclose or suggest all of the features recited in any of claims 1, 15, and 17 to 19 as presented, so that these claims are allowable.

Claims 3, 4, 6, 9, and 11 to 14 ultimately depend from claim 1 and are therefore allowable for the same reasons as claim 1.

With respect to claims 22, 23, 25, 28, and 30 to 33, as an initial matter, these claims ultimately depend from claim 16, and therefore should not have been included in this rejection, since the Office Action admits that the combination of the “Esker” reference and the “Gonzalez” reference does not disclose or suggest all of the features recited in claim 16. Further, these claims ultimately depend from claim 15 and are therefore allowable for the same reasons as claim 15.

It is therefore respectfully requested that the obviousness rejections of claims 1, 3, 4, 6, 9, 11 to 15, 17 to 19, 22, 23, 25, 28, and 30 to 33 be withdrawn.

With respect to paragraph twenty-one (21) of the Office Action, claims 2, 5, 16, and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Esker” reference and the “Gonzalez” reference in view of U.S. Patent No. 5,402,394 (the “Turski” reference).

Claims 2 and 5 depend from claim 1 and are therefore allowable for essentially the same reasons as claim 1, as presented, since any review of the “Turski” reference makes plain that it does not cure the critical deficiencies of the combination of the “Esker” reference and the “Gonzalez” reference, noted above. Claims 16 and 24 ultimately depend from claim 15 and are therefore allowable for essentially the same reasons as claim 15, as presented, since any review of the “Turski” reference makes plain that it does not cure the critical deficiencies of the combination of the “Esker” reference and the “Gonzalez” reference, noted above.

It is therefore respectfully requested that the obviousness rejections of claims 2, 5, 16, and 24 be withdrawn.

With respect to paragraph twenty-eight (28) of the Office Action, claims 7, 8, 26, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Esker” reference and the “Gonzalez” reference in view of U.S. Patent No. 5,802,354 (the “Kubala et al.” reference).

Claims 7 and 8 depend from claim 1 and are therefore allowable for essentially the same reasons as claim 1, as presented, since any review of the “Kubala et al.” reference makes plain that it does not cure the critical deficiencies of the combination of the “Esker” reference and the “Gonzalez” reference, noted above. Claims 26 and 27 ultimately depend from claim 15 and are therefore allowable for essentially the same reasons as claim 15, as presented, since any review of the “Kubala et al.” reference makes plain that it does not cure the critical deficiencies of the combination of the “Esker” reference and the “Gonzalez” reference, noted above.

It is therefore respectfully requested that the obviousness rejections of claims 7, 8, 26, and 27 be withdrawn.

With respect to paragraph thirty-five (35) of the Office Action, claims 10 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Esker” reference and the “Gonzalez” reference in view of U.S. Patent No. 4,980,857 (the “Walter et al.” reference).

Claim 10 ultimately depends from claim 1 and is therefore allowable for essentially the same reasons as claim 1, as presented, since any review of the “Walter et al.” reference makes plain that it does not cure the critical deficiencies of the combination of the “Esker” reference and the “Gonzalez” reference, noted above. Claim 29 ultimately depends from claim 15 and is therefore allowable for essentially the same reasons as claim 15, as presented, since any review of the “Walter et al.” reference makes plain that it does not cure the critical deficiencies of the combination of the “Esker” reference and the “Gonzalez” reference, noted above.

It is therefore respectfully requested that the obviousness rejections of claims 10 and 29 be withdrawn.

With respect to paragraph thirty-nine (39) of the Office Action, claims 20, 21, and 34 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Esker” reference and the “Gonzalez” reference in view of U.S. Patent No. 5,408,506 (the “Mincher et al.” reference).

Claims 20 and 21 depend from claim 19 and are therefore allowable for essentially the same reasons as claim 19, as presented, since any review of the

"Mincher et al." reference makes plain that it does not cure the critical deficiencies of the combination of the "Escher" reference and the "Gonzalez" reference, noted above. Claim 34 depends from claim 18 and is therefore allowable for essentially the same reasons as claim 18, as presented, since any review of the "Mincher et al." reference makes plain that it does not cure the critical deficiencies of the combination of the "Escher" reference and the "Gonzalez" reference, noted above.

It is therefore respectfully requested that the obviousness rejections of claims 20, 21, and 34 be withdrawn.

Accordingly, claims 1 to 34 are allowable.

**Conclusion**

In view of the foregoing, it is respectfully submitted that all of claims 1 to 34 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

Dated: 12/5/2006

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